

LATHAM & WATKINS LLP

355 South Grand Avenue, Suite 100

Los Angeles, CA 90071

Telephone: (213) 485-1234

Facsimile: (213) 891-8763

Kimberly A. Posin (*pro hac vice*)

Amy C. Quartarolo (*pro hac* pending)

Counsel to Xclaim Inc.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

MADISON SQUARE BOYS & GIRLS CLUB,
INC.

Debtor.¹

Chapter 11

Case No. 22-10910 (SHL)

NOTICE OF APPEAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 158(a) and Federal Rule of Bankruptcy Procedure 8003(a), Xclaim Inc. (“**Xclaim**”) hereby appeals to the United States District Court for the Southern District of New York from both: (1) the *Memorandum of Decision* [Docket No. 143] issued in the above-captioned chapter 11 case on August 18, 2022 (the “**Opinion**”), and (2) the *Final Order Authorizing Retention and Appointment of Epiq Corporate Restructuring, LLC as Claims and Noticing Agent Under 28 U.S.C. § 156(c), 11 U.S.C. § 105(a), and Local Rule 5075-1 and Granting Related Relief* [Docket No. 86] entered in the above-captioned chapter 11 case on July 29, 2022 (the “**Order**”), which granted *Debtor’s Application for Entry of an Order Authorizing Retention and Appointment of Epiq Corporate Restructuring, LLC*

¹ The last four digits of the Debtor’s federal tax identification numbers are 6792. The Debtor’s mailing address is 250 Bradhurst Avenue, New York, New York 10039.

as Claims and Noticing Agent Under 28 U.S.C. § 156(c), 11 U.S.C. § 105(a), and Local Rule 5075-1 and Granting Related Relief [Docket No. 2]. A copy of the Opinion and Order are attached hereto as **Exhibit A** and **Exhibit B**, respectively.

In addition, Xclaim has filed *Xclaim's Motion for Entry of an Order Clarifying or Vacating the Court's August 18, 2022 Memorandum of Decision*, which is currently pending before the Bankruptcy Court. In the event that the Opinion is vacated, Xclaim would voluntarily dismiss this appeal as moot.

The names of all the parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Appellant:

XCLAIM INC.

Latham & Watkins LLP
Counsel for Xclaim Inc.
355 South Grand Avenue, Suite 100
Los Angeles, California 90071
By: Kimberly A. Posin, Esq. (*pro hac vice*)
Amy C. Quartarolo, Esq. (*pro hac pending*)

Other Interested Parties:

DEBTOR MADISON SQUARE BOYS & GIRLS CLUB, INC.

Paul, Weiss, Rifkind, Wharton & Garrison LLP
Counsel for the Debtor
1285 Avenue of the Americas
New York, New York 10019
By: Alan W. Kornbeg, Esq.
Andrew M. Parlen, Esq.
William A. Clareman, Esq.
John T. Weber, Esq.

– AND –

EPIQ CORPORATE RESTRUCTURING, LLC
777 Third Avenue, 12th Floor

New York, New York 10017
By: Kate Mailloux

– AND –

OFFICE OF THE UNITED STATES TRUSTEE
201 Varick Street, Suite 1006
New York, New York 10014
By: Andrea Schwartz, Esq.
Tara Tiantian, Esq.

Remainder of Page Left Intentionally Blank

Dated: September 1, 2022
Los Angeles, CA

Respectfully submitted,

LATHAM & WATKINS LLP

By: /s/ Kimberly A. Posin
Kimberly A. Posin (*pro hac vice*)
Amy C. Quartarolo (*pro hac pending*)
355 South Grand Avenue, Suite 100
Los Angeles, CA 90071
Telephone: (213) 485-1234
Facsimile: (213) 891-8763
Email: kim.posin@lw.com
amy.quartarolo@lw.com

Counsel for Xclaim Inc.